

REMARKS

The Examiner is thanked for indicating that claim 31 is allowable if rewritten in independent form.

Claims 1-41 remain pending in the instant application. Claims 1-30 and 32-41 presently stand rejected. Claims 1, 13, and 32 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Specification

Paragraphs [00113], [00130], and [00132] are amended herein to cure in advertent typographical errors.

Claim Rejections – 35 U.S.C. § 102

Claims 1-30 and 32-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Xiong et al. (US 6,671,256).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P. § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Amended independent claim 1 now recites, in pertinent part,

...
receiving a resource reservation request to reserve a bandwidth resource provided by the switching node apparatus, ...;
reserving the bandwidth resource;
detecting an unavailability of the bandwidth resource **after the bandwidth resource has been reserved**;
generating a resource cancellation message **in response to detecting the unavailability of the bandwidth resource**; and
sending the resource cancellation message to at least one network node along the lightpath.

Applicants respectfully submit that Xiong fails to disclose detecting an unavailability of a bandwidth resource of a switching node apparatus within an optical burst-switched network after the bandwidth resource has been reserved. Applicants further submit that

Xiong fails to disclose generating a resource cancellation message in response to detecting the unavailability of the bandwidth resource.

The Examiner cites two pertinent portions of Xiong in support the rejection of claim 1. In particular, the Examiner cites col. 8, lines 14-26 (hereinafter citation #1) as disclosing that the optical routers “can send negative reservation message to cancel a reservation” and further cites col. 9, lines 14-29 (hereinafter citation #2) as disclosing that a “reserved channel can be cancelled and made an unreserved channel effectively termination the reservation.”

The citation #1 in fact states,

If no unreserved outbound data channel 205 is found or a router (core 110 or edge 115) in the path **decides not to continue the path setup process**, it will send back a negative DCR-acknowledgement (DCR-NAK) message 710 all the way to the electronic ingress edge router E_1 . Thus, the **attempt** by the electronic ingress edge router E_1 **to establish a reserved data channel 205 path failed**.

Xiong, col. 8, lines 14-20 (emphasis added). Accordingly, this portion of Xiong discloses that an edge or core router will generate a NAK message if no available outbound path is found, thereby **discontinuing the setup process and terminating the attempt** to reserve the data path. However, Xiong does not disclose that the NAK message is generated **after the resource has been reserved** to cancel an already established reservation. In contrast, the NAK message is merely used by the routers to signal upstream that the data path cannot be reserved. Accordingly, Xiong fails to disclose “generating a resource cancellation message **in response to detecting the unavailability of the bandwidth resource**” where the “detecting” occurred after the after the bandwidth resource has been reserved.

The citation #2 in fact states,

If an electronic ingress edge router 105 **decides to terminate** the reserved data channel path, **either because the average rate of the burst flow is below $R+\Delta$ or for other reasons**, it simply sends a burst with an unreserved channel bit $RC=0$ on outbound data channel λ_i .

Xiong, col. 9, lines 14-18 (emphasis added). This portion discloses that ingress edge router 105 may decide to terminate a reserved data channel path either 1) because the average rate of the burst flow is below $R+\Delta$, or 2) for other reasons. However,

independent claim 1 now recites, “generating a resource cancellation message, **in response to detecting the unavailability of the bandwidth resource.**” Neither of the two reasons disclosed by Xiong for terminating a reserved data channel path disclose terminating the reserved data channel path “in response to detecting the unavailability of the bandwidth resource.” Referring to FIG. 10 of Xiong, reason (1) occurs when the consumed/needed bandwidth drops below the bandwidth reserved, therefore maintaining the reservation is wasteful. As for reason (2)—“for other reasons”—this statement is rather unspecific and certainly does not disclose “in response to detecting the unavailability of the bandwidth resource.” The statement “for other reasons” does not satisfy the burden of M.P.E.P. § 2131 that requires, “[t]he **identical invention** must be shown in as **complete detail** as is contained in the claim.”

Consequently, Xiong fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131 for the two reasons discussed above. Amended independent claims 13 and 32 include similar novel elements as independent claim 1. Accordingly, Applicants request that the instant §102 rejections of claims 1, 13, and 32 be withdrawn.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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